



HUBR 1253 (10314389)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Hofgen, et al.
Serial No. : 10/714,568
Filed : November 13, 2003
For : NOVEL HYDROXYINDOLES, THEIR USE AS
INHIBITORS OF PHOSPHODIESTERASE 4, AND
PROCESSES FOR PREPARING THEM
Art Unit : 1626
Examiner : *To be assigned*

April 16, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service by Express Mail EL642113945US in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450 on April 16, 2004

Natalia Platonova

N. Platonova

Signature

4/16/04

Date

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 CFR 1.56, 37 CFR 1.97b(3) and e(1), the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

The patent documents listed on the attached form PTO/SB/08 under Cite Nos. AA, AB, AM, AN and AO, were cited in an International Search Report issued February 12, 2004, that issued in International Patent Application No. PCT/EP03/12742. The patent documents listed

under the Cite Nos. AC through AL are counterparts of a German Patent Application No. DE 198 18 964 A1, which was referenced in the International Search Report.

The undersigned hereby certifies that the items contained in this Information Disclosure Statement were cited in the International Search Report of a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of the International Search Report and each document cited thereon are enclosed.

This statement is not to be interpreted as a representation that the cited documents are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any document herein be construed *per se* as a representation that such document is prior art. Moreover, Applicants understand the Examiner will make an independent evaluation of the cited documents.

While the information and references disclosed in this Information Disclosure Statement may be “material” pursuant to 37 CFR 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.


In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in

this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-HUBR
1253-US.

Respectfully submitted

FULBRIGHT & JAWORSKI L.L.P.

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/714,568
				Filing Date	November 13, 2004
				First Named Inventor	Hofgen, Norbert
				Art Unit	1626
				Examiner Name	To be assigned
Sheet	1	of	2	Attorney Docket Number	HUBR-1253

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	5,567,711	10-22-1996	Abbott Laboratories	
	AB	6,008,231	12-28-1999	ASTA Medica Aktiengesellschaft	
	AC	6,251,923 B1	06-26-2001	Arzneimittelwerk Dresden GmbH	
	AD	6,545,025 B2	04-08-2003	Arzneimittelwerk Dresden GmbH	
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	AH	US 2002/0111351 A1	08-15-2002	Hofgen et al.	
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	AK	US 2002/0137745 A1	09-26-2002	Hofgen et al.	
	AL	US 2003/0134876 A1	07-17-2003	Hofgen et al.	

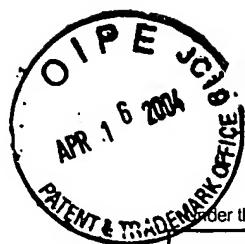
FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
	AM	DE 100 53 275 A1	05-02-2002	Hofgen et al.	
	AN	DE 198 18 964 A1	11-04-1999	Hofgen et al.	
	AO	WO 2004/000832	12-31-2003	AKZO NOBEL N.V.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

¹ Applicant's unique citation designation number (optional). ² See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AP	BARNES, Chronic obstructive pulmonary disease: new opportunities for drug development, TIPS - October 1998 (Vol. 19)	
	AQ	BEAVO, et al., Multiple Cyclic Nucleotide Phosphodiesterases, Molecular Pharmacology, 46, 1994	
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	AS	GROSSMAN, The value of antibiotics and the outcomes of antibiotic therapy in exacerbations of COPD, CHEST, 113/4, 1998	
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Examiner Signature		Date Considered	
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	AW	KUMMER, Asthma und COPD, Atemw.-Lungenkrkh. Jahrgang 20, No. 5, 1994	
	AX	NORMAN, COPD: new developments and therapeutic opportunities, Drugs News Prospect 11(7), September 1998	
	AY	RENNARD, COPD: overview of definitions, epidemiology, and factors influencing its development, CHEST, 113/4, April 1998	
	AZ	SCHUDT, et al., Phosphodiesterase inhibitors, Academic Press, 1996	
	BA	THORPHY, et al., Phosphodiesterase inhibitors: new opportunities for the treatment of asthma, Thorax, 1991	
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	BC	WENISCH, et al., Effect of pentoxifylline in vitro on neutrophil reactive oxygen production and phagocytic ability assessed by flow cytometry, Clin. Drug Invest., February 1997	
	BD	WILSON, The role of infection in COPD, CHEST, 1998	

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